IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital the 19th day of May 2003

Bail Application no.423 of 2003

Order on the bail application of accused.

CRIMINAL SIDE

Bhagat Singh S/o Hukum Singh,
Resident of Village Tukari,
P.S. Nanak Matta,
District Udham Singh Nagar ----------accused applicant

Versus

State of Uttaranchal. ----------Opposite Party

Arising out of case crime no. 459 of 2002
U.Ss. 363, 376,452,504,506 IPC.
P.S. Nanak Matta
District Udham Singh Nagar.

By the Court

Hon'ble M.M. Ghildiyal, J.

Heard Smt. Pushpa Joshi learned counsel for the applicant and Sri H.C. Pandey learned A.G.A.

According to prosecution, this is a case of gang rape by son, father and grandfather.

According to the complaint, the incident took place on 26.10.2002 and the FIR was lodged on 7.11.2002. The complaint was made U/s 156(3) Cr.P.C. on 31st October 2002; there is no injury in the private parts of the girl.

In view of the judgment passed by Hon'ble Allahabad High Court in Cr.A.No. 3166/1976 reported in 1994(31) All. Crl. Case, this is a fit case for bail.

Let the accused-applicant Bhagat Singh be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M., Udham Singh Nagar.

19.05.2003: **(M.M. Ghildiyal, J.)**
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